

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SILVERIUS M. ALCAIDE,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:19-cv-00348-AA

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Silverius M. Alcaide, brought this action seeking review of the Commissioner's final decision denying his application for disability insurance benefits ("DIB") under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on April 8, 2020. Upon remand, the Commissioner found Plaintiff entitled to DIB beginning February 2015.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S.

789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$43,174.75 in attorney fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney fees in the amount of \$9,500.00 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Plaintiff has also been paid administrative fees in the amount of \$5,902.00 pursuant to § 406(a). When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amounts awarded for EAJA and § 406(a) and send the balance of \$27, 772.75 less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 13th day of September 2021.

/s/Ann Aiken
ANN L. AIKEN
United States District Judge

Proposed Order submitted by:
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